
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

GREAT BOWERY d/b/a TRUNK
ARCHIVE,

Plaintiff,

v.

BEST LITTLE SITES d/b/a
www.comicbookmovie.com; NATHAN
BEST; MARK CASSIDY; JOSHUA
WILDING; and DOES 1 through 10,

Defendants.

**ORDER GRANTING IN PART AND
DENYING IN PART [52] MOTION TO
DISMISS THE COUNTERCLAIM AND
TO STRIKE CERTAIN AFFIRMATIVE
DEFENSES AND [58] MOTION TO
STRIKE CERTAIN AFFIRMATIVE
DEFENSES**

Case No. 2:21-cv-00567-DBB-JCB

District Judge David Barlow

Before the court is Plaintiff Great Bowery d/b/a Trunk Archive's Motion to Dismiss the Counterclaim and to Strike Certain Affirmative Defenses¹ and Motion to Strike Certain Affirmative Defenses.² The court considered the briefing, relevant law, and oral argument presented on October 13, 2022. For the reasons stated on the record,

1. The court GRANTS IN PART AND DENIES IN PART Plaintiff's Motion to Dismiss the Counterclaim and to Strike Certain Affirmative Defenses.³
 - a. The court DENIES the Motion to Dismiss the Counterclaim.
 - b. The court GRANTS the Motion to Strike Affirmative Defenses 3, 4, 15, and 22 as to the affirmative defense of laches.

¹ ECF No. 52, filed July 14, 2022.

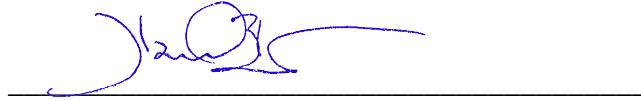
² ECF No. 58, filed July 29, 2022.

³ ECF No. 52.

- c. The court DENIES the Motion to Strike Affirmative Defenses 2, 6–14, 16–21, and 22 as to the affirmative defense of waiver.
2. The court GRANTS IN PART AND DENIES IN PART Plaintiff's Motion to Strike Certain Affirmative Defenses.⁴
 - a. The court GRANTS the Motion to Strike Affirmative Defenses 3, 4, 15, 22 as to the affirmative defense of laches, 24, and 27.
 - b. The court DENIES the Motion to Strike Affirmative Defenses 2, 5–14, 16–21, 22 as to the affirmative defense of waiver, 23, and 26.

Signed October 13, 2022.

BY THE COURT



David Barlow
United States District Judge

⁴ ECF No. 58.